

SEP 29 1989

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

COMMUNICATIONS DIVISION  
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)  
Table of Assignments,  
FM Broadcast Stations  
(Beverly Hills, Florida)

) RM- 7146  
)  
) MM Docket No. 92-195  
)  
)

To: The Chief, Mass Media Bureau

PETITION FOR RULEMAKING

Heart of Citrus, Inc. (HCI), permittee of Channel 246A, Beverly Hills, Florida, pursuant to Section 1.401 and 1.420(g) of the Commission's Rules, requests that Channel 246C3 be substituted for Channel 246A in Beverly Hills, Florida. The application of HCI for a new FM station to serve Beverly Hills, Florida, on Channel 246A was granted by Memorandum Opinion and Order, FCC 89M-2248 (released September 11, 1989).

HCI respectfully requests that the Table of FM Allotments in Section 73.202(b) be amended to permit the upgrade of Channel 246A to 246C3 in Beverly Hills, Florida, as follows:

<u>City, State</u>	<u>Present</u>	<u>Channel</u> <u>Proposed</u>
Beverly Hills, Florida	246A	246C3 (*)

(\*) Site restriction 13.5 kilometers south required.

As demonstrated in the attached engineering statement, Channel 246C3 can be allocated to Beverly Hills, Florida with a minimal site restriction of 13.5 km south to maintain minimum spacing to adjacent channel pending applications, BPH-880816OU and BPH-880816OG (Channel 247A, 97.3 MHz) in Chiefland, Florida. The requested coordinates for the proposed Beverly Hills substitution are: N.L. 28-47-46; W.L. 82-28-31.

The public interest supports the grant of this rulemaking request. The proposed Channel 246C3 substitution would provide much needed wide coverage FM service to the community of Beverly Hills, Florida. Other than Channel 246A, there are no other broadcast facilities allocated to Beverly Hills, Florida. No community would lose any present or potential service, and a substantial area of service would be added if the proposed substitution is granted.

If this proposed rulemaking submitted by HCI is granted, HCI will file an application for a construction permit, and if the application is granted, will promptly construct the C3 facilities.

Respectfully submitted,

HEART OF CITRIS, INC.

By   
A. Wray Fitch III  
Its Attorney

GAMMON & GRANGE  
1925 K Street, N.W.  
Suite 300  
Washington, D.C. 20006

September 29, 1989

ENGINEERING STATEMENT IN SUPPORT OF A RULEMAKING  
PETITION TO AMEND THE FM TABLE OF ALLOTMENTS FOR  
A NEW FM STATION AT BEVERLY HILLS, FLORIDA  
FCC FILE NUMBER BPH-871119ME

This Engineering Statement was prepared on behalf of Heart of Citrus, Inc., the remaining applicant to secure a construction permit for a new Class A FM station on Channel 246A at Beverly Hills, Florida. Specifically, petitioner seeks to have Channel 246C3 substituted in Beverly Hills, Florida as follows:

<u>City, State</u>	<u>Present</u>	<u>Channel</u> <u>Proposed</u>
Beverly Hills, Florida	246A	246C3 (*)

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(\*) Site restriction 13.5 kilometers south required.

A computer analysis was completed to to determine if Channel 246C3 could be substituted for Channel 246A at Beverly Hills, Florida. It was determined this substitution was available consistent with FCC technical standards in effect prior to the effective date of MM Docket 89-232. The substitution of Channel 246C3 to Beverly Hills, Florida requires a minimal site restriction of 13.5 kilometers south to maintain minimum spacing to adjacent channel pending applications BPH-8808160U and BPH-8808160G

-2-

(Channel 247A, 97.3 MHz) in Chiefland, Florida. The requested coordinates for the proposed Beverly Hills substitution are:

N.L. 28-47-46

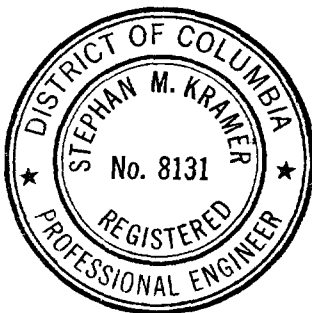
W.L. 82-28-31

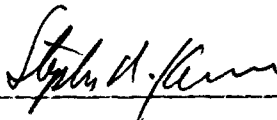
The above reference location is a more desirable proposed transmitter area than would be considered if coordinates directly opposite the Chiefland applications were employed. It is for this reason that Heart of Citrus, Inc. respectfully requests the above location as the new Class C3 allotment reference coordinates.

As calculated, the proposed Channel 246C3 allotment substitution with the 13.5 kilometer south site restriction, meets all required Commission minimum spacing requirements with respect to Section 73.207 as calculated pursuant to Section 73.208. Table 1 presents the analysis results.

It is also requested that the Commission indicate in the Notice of Proposed Rulemaking its intention to issue an order modifying petitioner's construction permit to specify operation on Channel 246C3 at Beverly Hills, Florida.

Respectfully submitted,



 09-27-89  
Steve M. Kramer, P.E.

## STEPHAN M. KRAMER, P.E. AND ASSOCIATES

BROADCAST AND FAA CONSULTING ENGINEERS

10500 BIGHORN TRAIL, SUITE 100 • MCKINNEY, TX 75069 • (214) 542-8244

-3-

TABLE 1  
CHANNEL 246C3 ALLOCATION ANALYSIS

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HEART OF CITRUS, INC.  
NEW BEVERLY HILLS, FLORIDA

FM Study for: TOLLE FCC Data Base Date: 7/89 28-47-46  
Location: BEVERLY HILLS, FL Channel Class: C3 82-28-31

CALL STATUS	LOCATION STATE	CHANNEL CLASS	ERP:KW HAAT	LATITUDE LONGITUDE	DISTANCE BEARING
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&gt;&gt;&gt;&gt;&gt;&gt; Study For Channel: 246 &lt;&lt;&lt;&lt;&lt;&lt;&lt;

WHTQ	ORLANDO	243	100.	28-34-51	138.9
LIC	FL	C	96.5 487	81- 4-32	99.6
WAIVFM	JACKSONVILLE	245	98.	30-16-34	186.3
LIC	FL	C	96.9 300	81-33-53	28.1
WAIVFM	JACKSONVILLE	245	98.	30-16-34	186.3
CP	FL	C	96.9 309	81-33-53	28.1
ALLOC	BEVERLY HILLS	246		28-50-19	7.5
VAC	FL	A	97.1 0	82-32- 5	309.1
NEW	BEVERLY HILLS	246	2.55	28-53-38	11.3
APP	FL	A	97.1 100	82-26-39	15.6
ALLOC	CHIEFLAND	247		29-28-36	84.2
VAC	FL	A	97.3 0	82-51-36	333.7
NEW	CHIEFLAND	247	3.00	29-28-24	84.0
APP	FL	A	97.3 100	82-51-47	333.4
NEW	CHIEFLAND	247	3.00	29-31- 0	89.32
APP	FL	A	97.3 100	82-53-11	333.5
NEW	CHIEFLAND	247	3.00	29-28-24	84.0
APP	FL	A	97.3 100	82-51-47	333.4
WPCV	WINTER HAVEN	248	100.	28- 7-35	117.1
LIC	FL	C	97.5 301	81-33- 3	129.1
WPCV	WINTER HAVEN	248	100.	28- 7-35	117.1
CP	FL	C	97.5 310	81-33- 3	129.1
WGGGFM	MICANOPY	249	1.25	29-32- 8	83.3
CP	FL	A	97.7 151	82-19-17	10.3
WGGGFM	MICANOPY	249	3.00	29-32- 8	83.3
LIC	FL	A	97.7 93	82-19-17	10.3

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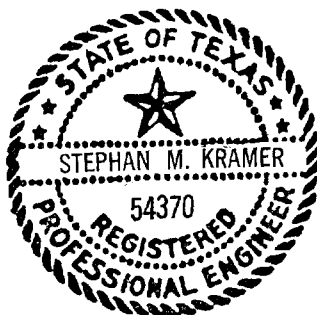
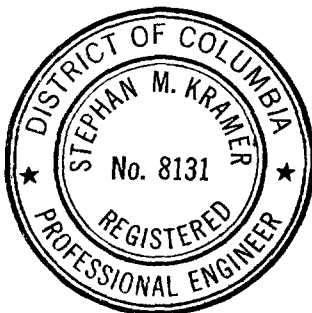
Engineering Affidavit

State of Texas       )  
                              )     ss:  
County of Collin    )

Stephan M. Kramer, being duly sworn, deposes and states that he is a Registered Professional Engineer licensed in Texas and the District of Columbia, that he holds a B.S. Degree in Electrical Engineering from the University of Akron, and that he is a qualified and experienced Communications Consulting Engineer whose expert testimony and works are a matter of record with the Federal Communications Commission having received numerous application grants. He further states Heart of Citrus, Inc. retained the firm of Stephan M. Kramer, P.E. and Associates to prepare the attached Engineering Statement in support of a Class C3 upgrade for the pending application at Beverly Hills, Florida.

The deponent further indicates the Statement was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

This declaration is made under penalty of perjury under the laws of the United States.



*Stephan M. Kramer* 09-27-89  
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Stephan M. Kramer, P.E.  
Texas P.E. # 54370  
District of Columbia P.E. # 8131